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**UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

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NAVAJO NATION HUMAN RIGHTS  
COMMISSION; PEGGY PHILLIPS; MARK  
MARYBOY; WILFRED JONES; TERRY  
WHITEHAT; BETTY BILLIE FARLEY;  
WILLIE SKOW; and MABEL SKOW,

Plaintiffs,

v.

SAN JUAN COUNTY; JOHN DAVID  
NIELSON, in his official capacity as San Juan  
County Clerk; and PHIL LYMAN, BRUCE  
ADAMS, and REBECCA BENALLY, in their  
official capacities as San Juan County  
Commissioners,

Defendants.

**MOTION TO FILE SURREPLY TO  
PLAINTIFFS' RESPONSE TO  
OBJECTION TO REQUEST FOR A  
THREE-JUDGE COURT**

Case No. 2:16-cv-00154 JNP

Judge Jill N. Parrish

Magistrate Judge Brooke C. Wells

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SAN JUAN COUNTY; JOHN DAVID  
NIELSON; PHIL LYMAN, BRUCE  
ADAMS; and REBECCA BENALLY

Counterclaim Plaintiffs,

v.

NAVAJO NATION HUMAN RIGHTS  
COMMISSION; PEGGY PHILLIPS; MARK  
MARYBOY; WILFRED JONES; TERRY  
WHITEHAT; BETTY BILLIE FARLEY;  
WILLIE SKOW; and MABEL SKOW,

Counterclaim Defendants.

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On April 27, 2016, Plaintiffs filed a *Response to Defendant's Objection to Plaintiffs' Request for a Three-Judge Court*,<sup>1</sup> advancing new grounds to support their *Request for a Three-Judge Court* to hear this case that go well beyond those asserted in their initial *Application for Designation of a Three-Judge Court*.<sup>2</sup> As a result, Defendants did not have the opportunity to respond to these new theories.<sup>3</sup> Defendants, therefore, hereby move the Court for leave to submit the *Surreply* that

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<sup>1</sup> Dkt. 50.

<sup>2</sup> Dkt. 14.

<sup>3</sup> *See Defendants' Objection*, Dkt. 44.

is attached hereto as Exhibit 1. Plaintiffs' *Application* has been set for a hearing on May 31, 2016.<sup>4</sup>

DATED this 29<sup>th</sup> day of April, 2016.

SUITTER AXLAND, PLLC

/s/ jesse c. trentadue  
Jesse C. Trentadue  
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*Attorneys for Defendants*

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<sup>4</sup> Dkt. 51.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 29<sup>th</sup> day of April, 2016, I electronically filed the foregoing document with the U.S. District Court for the District of Utah. Notice will automatically be electronically mailed to the following individual(s) who are registered with the U.S. District Court CM/ECF System:

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